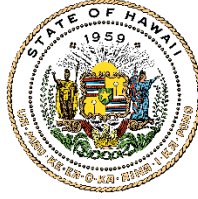


**JOSH GREEN, M.D.**  
GOVERNOR | KE KIA'ĀINA

**SYLVIA LUKE**  
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



**KA MOKU'ĀINA 'O HAWAI'I  
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KA 'OIHANA KUMUWAIWAI 'ĀINA**

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ENFORCEMENT  
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FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

Ref: OCCL:CM

CDUA OA-3913

Acceptance Date: 2/15/2023

180 Day Expiration Date: 8/14/2023

Feb 15, 2023

Ian Hirokawa  
State of Hawaii, DLNR  
Land Division  
1154 Punchbowl Street, Rm 220  
Honolulu, HI 96813

Dear Mr. Hirokawa:

**NOTICE OF ACCEPTANCE AND ENVIRONMENTAL  
DETERMINATION**

**Conservation District Use Application (CDUA) OA-3913  
(Board Permit)**

This acknowledges the receipt and acceptance for the processing of the CDUA to dismantle an existing artificial breakwater, known as the Diamond Head Breakwater, in submerged lands makai of the Doris Duke Foundation for Islamic Art (DDFIA) property. The project is located at Kaalawai, Honolulu, Oahu. The project site totals 0.77 acres of submerged lands situated makai of Tax Map Key (TMK) (1) 3-1-041:005 and is in the Protective Subzone of the State Land Use Conservation District.

The Department of Land and Natural Resources (the State) proposes to dismantle the existing Diamond Head Breakwater and re-use the boulders to re-create a natural rocky shoreline fronting the existing DDFIA seawall. The project's purpose is to address public safety issues by deterring unsafe recreational activities in the area associated with the breakwater. The breakwater was constructed in 1938 over a natural volcanic dike, it is the seaward boundary of a former boat basin and extends seaward from the western end of the DDFIA property in a southeast direction. The breakwater has a pyramid-shaped profile comprised of large boulders with a somewhat level crest. It is about 140 feet long with a varying height of approximately 7.5 to 8.7 feet above mean sea level (MSL).

The proposed project entails removing all boulders except the last or bottom row on the ocean floor. An estimated 500 cubic yards of boulders would be removed from the breakwater. The remaining, structurally sound portions of the natural dike that will be uncovered by the boulder removal would be left untouched; however, any broken or loose dike sections would be removed. No blasting and/or excavation of the natural dike is being proposed. The 500 cubic yards of removed boulders and approximate 350 cubic yards of imported boulders are the estimated amount needed to create the new proposed revetment along the existing DDFIA seawall.

Current preliminary construction methods include using waterborne equipment. The breakwater demolition and revetment construction activities would be performed by crane and/or excavator fitted with a clamshell bucket and thumb. The crane/excavator would be supported on a barge or suitable working platform and positioned within the work areas. Multiple barges or platforms may be used for temporary staging and storage of materials and equipment. The barges and platforms would be held in their working positions using some combination of spuds and anchors. Small working vessels would accompany these barges to transport crew members and position the platforms during work. If barges are required to be situated outside (makai) of the breakwater, the contractor will be required to prepare a Barge Spudding Plan to document the existing marine conditions relative to the proposed anchor positions.

After reviewing the application, the department finds that:

1. The proposed uses are identified land uses in the Protective subzone of the Conservation District, pursuant to the Hawaii Administrative Rules (HAR), 13-5. Please be advised that this finding does not constitute approval of the proposal.
  - HAR, Section 13-5-22, P-6, **PUBLIC PURPOSE USES**, (D-1) Not for profit land uses undertaken in support of a public service by an agency of the county, state, or federal government, or by an independent non-governmental entity, except that an independent non-governmental regulated public utility may be considered to be engaged in a public purpose use. Examples of public purpose uses may include but are not limited to public roads, marinas, harbors, airports, trails, water systems and other utilities, energy generation from renewable sources, communication systems, flood or erosion control projects, recreational facilities, community centers, and other public purpose uses, intended to benefit the public in accordance with public policy and the purpose of the conservation district.
  - HAR, Section 13-5-22, P-8, **STRUCTURES AND LAND USES, EXISTING** (D-1) Major alteration of existing structures, facilities, uses, and equipment, or topographical features which are different from the original use or different from what was allowed under the original permit. When county permit(s) are required for the associated plan(s), the department's approval shall also be required.

2. Pursuant to HAR, Section 13-5-40, a Public Hearing will be required;
3. In conforming with the Hawaii Revised Statutes (HRS), Chapter 343, as amended, and HAR, Section 11-200, the Final Environmental Assessment (FEA) and Findings of No Significant Impact (FONSI) was published in The Environmental Notice on June 23, 2017; Shangri La Breakwater Safety Initiative and Shoreline Stabilization Project FEA (FONSI). The FEA was reviewed and a FONSI was determined by the DLNR.
4. The State Historic Preservation Division (SHPD) has provided notice that the CDUA permitting process may continue contingent upon proposed mitigation commitments developed between Land Division and SHPD. The mitigation commitments are:
  - Architectural photograph documentation of the dismantling of the breakwater (before, during, and after).
  - Re-use of the cobbles and boulders from the breakwater in the stabilization of the existing reinforced concrete seawall.
  - Architectural photographic documentation of the stabilization work.
  - The results to be presented in a letter report submitted to SHPD
5. The County has determined the project is makai of the certified shoreline and is outside of the SMA.

Upon completion of the application review process, the subject CDUA will be reviewed by the Board of Land and Natural Resources for consideration. Should you have any questions, please feel free to contact Cal Miyahara at (808) 798-6147 or [calen.miyahara@hawaii.gov](mailto:calen.miyahara@hawaii.gov).

Sincerely,



Dawn N.S. Chang, Chairperson  
Board of Land and Natural Resources

CC: DAR/DOCARE/DOFAW  
Engineering Division/Office of Planning and Sustainable Development  
OHA/USFWS/US Army Corps  
C&C, Planning Department  
C&C, Fire Department  
Kaimuki Public Library  
Wai'alaie Kahala Neighborhood Board  
Historic Hawaii Foundation  
Turbin Chu Heidt Attorneys at Law  
Law Offices of Fred Fong